

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RODNEY L. GARROTT,

Plaintiff,

vs.

R. ARCHER, OFFICER CRITES
and OFFICER DELK,

Defendants.

NO. CV-08-5053-EFS

ORDER DISMISSING ACTION

1915 (g)

By Order filed December 15, 2008, the Court advised Mr. Garrott of the deficiencies of his amended complaint and granted him an additional thirty (30) days to amend or voluntarily dismiss. Mr. Garrott did not comply with that Order and has filed nothing further in this action. For the reasons set forth in the Court's previous Orders (Ct. Recs. 8 & 12), **IT IS ORDERED** the action is **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28

1 U.S.C. § 1915(g). Plaintiff is advised to read the new statutory
2 provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's
3 complaint may count as one of the three dismissals allowed by 28 U.S.C.
4 § 1915(g) and may adversely affect his ability to file future claims.

5 IT IS SO ORDERED. The District Court Executive is directed to
6 enter this Order, forward a copy to Plaintiff at his last known address,
7 enter judgment, and close the file. The District Court Executive is
8 further directed to forward a copy of this Order to the Office of the
9 Attorney General of Washington, Criminal Justice Division.

10 DATED this 29th day of January 2009

11
12 s/ Edward F. Shea

13 EDWARD F. SHEA

14 UNITED STATES DISTRICT JUDGE

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